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Paper No. 21

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In re Application of :
Weinrich et al. :
Application No. 08/785,559 :
Filed: 17 January, 1997 :
Attorney Docket No. 9276.2 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)¹, filed on 12 October, 2000, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 1 May, 1999, for failure to file a timely response to the non-final Office action mailed on 30 October, 1998, which set a three (3)-month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. The filing of the present petition precedes the mailing of Notice of Abandonment. The petitions filed on 16 June, 1999, and 11 August, 2000, were dismissed on 31 May and 15 September, 2000, respectively.

The formal drawings filed on 2 November, 1999, are accepted.

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

This application will be forwarded to Publishing Division for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 308-6918.



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for Patent Examination Policy